

RPTO/SB/21 (08-00)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	<b>Application Number</b>	09/747,776	
	<b>Filing Date</b>	December 22, 2000	
	<b>First Named Inventor</b>	Kepecs, Jonathan	
	<b>Group Art Unit</b>	3622	
	<b>Examiner Name</b>	Carlson, Jeffrey D.	
<b>Total Number of Pages in This Submission</b>	7	<b>Attorney Docket Number</b>	018477-000710US

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD; Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Return receipt postcard 2) PTO/SB/17 fee transmittal form 3) Sixty-five (65) references
<b>Remarks</b>		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. Total number of pages <u>does not</u> include cited references.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

<b>Firm and Individual name</b>	Townsend and Townsend and Crew LLP Tyrome Y. Brown	<b>Reg No.</b> 46,580
<b>Signature</b>		
<b>Date</b>	August 3, 2004	

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**GROUP 3600****CERTIFICATE OF MAILING**

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<b>Typed or printed name</b>	Christopher R. Fitting		
<b>Signature</b>		<b>Date</b>	August 31, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

60290729 v1

# **FEE TRANSMITTAL** **for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180

Complete if Known

Application Number 09/747,776

Filing Date December 22, 2000

First Named Inventor Kepecs, Jonathan

Examiner Name Carlson, Jeffrey D.

Art Unit 3622

Attorney Docket No. 018477-000710US

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number

20-1430

Deposit Account Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid
Total Claims	**	=		X		
Independent Claims		=		X		
Multiple Dependent		=		X		

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	180
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$180

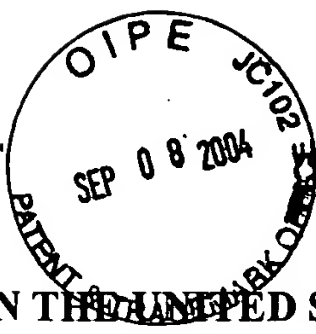
## SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Tyrome Y. Brown Registration No. (Attorney/Agent) 46,580 Telephone 650-326-2400

Signature *Tyrome Y. Brown* Date August 28, 2004

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PATENT  
Attorney Docket No.: 018477-000710US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

JONATHAN KEPECS

Application No.: 09/747,776

Filed: December 22, 2000

For: TECHNIQUES FOR OPTIMIZING  
PROMOTION DELIVERY

Examiner: Jeffrey D. Carlson

Art Unit: 3622

SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER 37  
CFR §1.97 and §1.98

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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GROUP 3600

Sir:

The references cited on the attached PTO/SB/08A and PTO/SB/08B forms are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information, and no inference should be made that the information and references cited are, or are considered to be material to patentability because they are in this statement. No inference should be made that the information and references cited are prior art merely because they are in this statement.

09/09/2004 SSESHE1 00000003 201430 09747776

01 FC:1806 180.00 DA

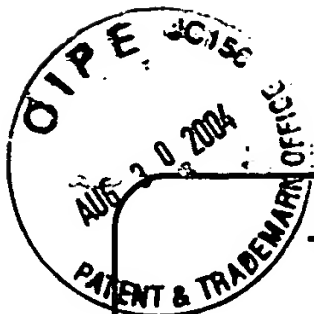
This IDS is being filed before the mailing date of the final Office Action or Notice of Allowance. Please charge the IDS fee of \$180 to Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Tyrome Y. Brown  
Reg. No. 46,580

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 650-326-2422  
SBK:crf



PTO/SB/21 (04-04)

3622

41

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/747,776	
	Filing Date	December 22, 2000	
	First Named Inventor	Kepecs, Jonathan	
	Art Unit	3622	
	Examiner Name	Jeffrey D. Carlson	
Total Number of Pages in This Submission	4	Attorney Docket Number	018477-000710US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Statement of the Substance of the Interview
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Return Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<b>Remarks</b> The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Townsend and Townsend and Crew LLP Tyrome Y. Brown Reg. No. 46,580
Signature	<i>Tyrome Y. Brown</i>
Date	<i>August 26, 2004</i>

CERTIFICATE OF TRANSMISSION/MAILING	
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Typed or printed name	Andrea S. Beck
Signature	<i>Andrea S. Beck</i>
Date	<i>8/26/04</i>

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PATENT  
Docket No.: 018477-000710US

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On August 26, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]

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**GROUP 3600**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

JONATHAN KEPECS

Application No.: 09/747,776

Filed: December 22, 2000

For: TECHNIQUES FOR OPTIMIZING  
PROMOTION DELIVERY

Customer No.: 20350

Confirmation No.: 4405

Examiner: Jeffrey D. Carlson

Art Unit: 3622

STATEMENT OF THE SUBSTANCE OF  
THE INTERVIEW

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The following is a Statement of the Substance of the Interview for the telephonic interview conducted on August 12, 2004. This is responsive to the Interview Summary mailed August 16, 2004 on the above-referenced application. Applicant respectfully requests that the following remarks be entered.

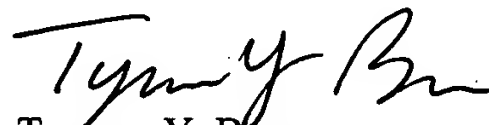
REMARKS

Applicant gratefully thanks Examiner Jeffrey D. Carlson for the courtesy shown to Applicant's undersigned representative and Sujit Kotwal (Reg. No. 43,336) during the Examiner Interview. No exhibits were shown or demonstrations conducted. No prior art was discussed.

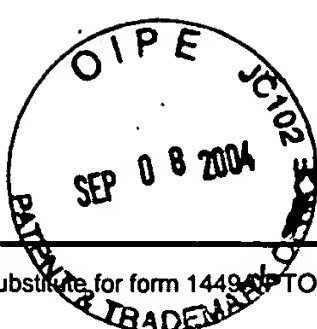
During the telephonic interview, Applicant's representatives discussed the implication of the consolidated examination on the application. During the discussions, Examiner Carlson indicated that he would reconsider the restriction requirement between groups III and VIII.

Also, compliance with 35 U.S.C. § 101 was discussed with the Examiner. With respect to claims 42-44 and 90-96, Examiner agreed that these claims, as pending, were in compliance with 35 U.S.C. § 101. With respect to claims 24-36, Examiner suggested that independent claim 24 be amended to recite technology in the body of the claim.

Respectfully submitted,

  
Tyrome Y. Brown  
Reg. No. 46,580

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Two Embarcadero Center, Eighth Floor  
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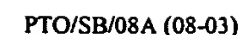


<b>Substitute for form 1449, PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	09/747,776	
			Filing Date	December 22, 2000	
			First Named Inventor	Kepecs, Jonathan	
			Art Unit	3622	
			Examiner Name	Carlson, Jeffrey D.	
Sheet	1	of	3	Attorney Docket Number	018477-000710US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-6,237,145	05-22-2001	Narasimhan et al.	
	AB	US-6,185,541	02-06-2001	Scroggie et al.	
	AC	US-6,134,534	10-17-2000	Walker et al.	
	AD	US-6,115,693	09-05-2000	McDonough et al.	
	AE	US-6,076,071	06-13-2000	Freeny, Jr.	
	AF	US-6,076,068	06-13-2000	DeLapa et al.	
	AG	US-6,044,362	03-28-2000	Neely	
	AH	US-6,039,244	03-21-2000	Finsterwald	
	AI	US-6,014,638	01-11-2000	Burge et al.	
	AJ	US-5,970,470	10-19-1999	Walker et al.	
	AK	US-5,970,124	10-19-1999	Csaszar et al.	
	AL	US-5,956,694	09-21-1999	Powell	
	AM	US-5,924,080	07-13-1999	Johnson	
	AN	US-5,923,016	07-13-1999	Fredregill et al.	
	AO	US-5,909,023	06-01-1999	Ono et al.	
	AP	US-5,907,830	05-25-1999	Engel et al.	
	AQ	US-5,903,874	05-11-1999	Leonard et al.	
	AR	US-5,855,007	12-29-1998	Jovicic et al.	
	AS	US-5,761,648	06-02-1998	Golden et al.	
	AT	US-5,717,866	02-10-1998	Naftzger	
	AU	US-5,710,887	01-20-1998	Chelliah et al.	
	AV	US-5,710,886	01-20-1998	Christensen et al.	
	AW	US-5,708,782	01-13-1998	Larson et al.	
	AX	US-5,687,322	11-11-1997	Deaton et al.	
	AY	US-5,612,868	03-18-1997	Off et al.	
	AZ	US-5,467,269	11-14-1995	Flaten	
	BA	US-5,459,306	10-17-1995	Stein et al.	
	BB	US-5,448,471	09-05-1995	Deaton et al.	
	BC	US-5,420,606	05-30-1995	Begum et al.	
	BD	US-5,380,991	01-10-1995	Valencia et al.	
	BE	US-5,373,440	12-13-1994	Cohen et al.	
	BF	US-5,305,195	04-19-1994	Murphy	
	BG	US-5,231,568	07-27-1993	Cohen et al.	
	BH	US-5,185,695	02-09-1993	Pruchnicki	
	BI	US-5,117,355	05-26-1992	McCarthy	
	BJ	US-5,056,019	10-08-1991	Schultz et al.	
	BK	US-5,039,848	08-13-1991	Stoken	
	BL	US-4,982,346	01-01-1991	Girouard et al.	
	BM	US-4,949,256	08-14-1990	Humble	
	BN	US-4,941,090	07-10-1990	McCarthy	
	BO	US-4,896,791	01-30-1990	Smith	
Examiner Signature				Date Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

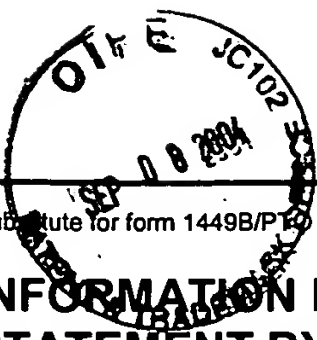


[illegible]

Examiner Signature		Date Considered	
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<div>Substitute for form 1449B/PTO</div> <div><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></div> <div>(use as many sheets as necessary)</div>			<b>Complete if Known</b>		
			Application Number	09/747,776	
			Filing Date	December 22, 2000	
			First Named Inventor	Kepecs, Jonathan	
			Art Unit	3622	
			Examiner Name	Carlson, Jeffrey D.	
Sheet	3	of	3	Attorney Docket Number	018477-000710US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	CG	BECK, J., "3 Types of Systems Drive Coupon Programs," <u>Supermarket News</u> , 37:48 (1987).	
	CH	"Banyan Joins the Vultures Picking Over the 3+, 3+ Open Corpse," <u>Computergram International</u> , Nov. 5, 1992.	
	CI	"World's First Smart Card Frequent Flyer Scheme Debuts," <u>Newbyte News Network</u> , September 1997.	
	CJ	"Intellipost Launches BonusMail With 50,000 Charter Members," Byline: Business Editors/Computer Writers, June 1997.	
	CK	KREMER, J., "Mail Order Selling Made Easier," <u>Ad-Lib Publications</u> , pages 75-79 (1983).	
	CL	TAYLOR, S. "Don't Become Confined by 'The Box,'" <u>Advertising Age</u> , 68:26 (1997).	
	CM	PR Newswire, "Caldor Announces Agreement with New York State Attorney General," January 11, 1993.	

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Examiner Signature		Date Considered	
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.  
<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.